

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

DANIEL STRENFEL, individually and on behalf
of a class of similarly situated individuals,

Plaintiff,

v.

T-MOBILE USA, INC.,

Defendant.

No. 2:21-cv-01208-BJR

**STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS PENDING
JPML'S RULING ON TRANSFER**

STIPULATED MOTION AND ORDER
TO STAY PROCEEDINGS
(No. 2:21-cv-01208-BJR) - 1

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1 Under Western District of Washington Local Rules 7(d)(1) and 10(g), Plaintiff Daniel
2 Strenfel and Defendant T-Mobile USA, Inc. (together “the Parties”), move the Court to stay all
3 proceedings and deadlines in this action pending a ruling by the Judicial Panel on Multidistrict
4 Litigation (“JPML”) on the pending motion to transfer under 28 U.S.C. § 1407 (“MDL Petition”).
5 *See In re: T-Mobile Customer Data Sec. Breach Litig.* (“*In re: T-Mobile*”), MDL No. 3019 (ECF
6 No. 1). In support of this motion, the Parties state:

7 Plaintiff filed this case on September 3, 2021. *See* ECF No. 1. Plaintiff alleges T-Mobile
8 failed to adequately safeguard the personal information of its customers from a criminal third-party
9 actor. *Id.* The plaintiffs in over 40 putative class actions have made similar allegations against
10 T-Mobile based on the same data-security incident. *See In re T-Mobile*, MDL No. 3019 (ECF
11 Nos. 1-1, 2, 8-1, 11, 20, 48, 62, 65, 70). These cases are pending in over ten federal judicial
12 districts. *See id.*

13 The parties previously conferred about staying this action but were unable to reach
14 agreement. *See* ECF No. 27. T-Mobile subsequently filed a motion to stay proceedings pending
15 a ruling by the JPML on the motion for transfer. *See* ECF No. 26. Plaintiff filed a response
16 opposing that motion on October 22, 2021. *See* ECF No. 30. On November 3, 2021, Plaintiff
17 informed T-Mobile that he consented to a stay. Accordingly, the previously filed contested stay
18 motion is no longer necessary. T-Mobile hereby withdraws the previously filed motion to stay,
19 and Plaintiff hereby withdraws his opposition to that motion.

20 In a related case, this Court recently granted T-Mobile’s motion requesting a stay pending
21 the JPML’s ruling on a motion to transfer, noting:

22 Any delay arising from a stay is likely to be short, and Plaintiffs
23 have not demonstrated that any significant prejudice would result
24 from a short stay. A stay is also likely to conserve judicial resources,
as well as the parties’ resources, until the JPML decides whether

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(and if so, where) to transfer the dozens of similar cases for coordinated or consolidated pretrial proceedings.

Daruwalla v. T-Mobile USA, Inc., No. 2:21-cv-01118-BJR (W.D. Wash. Oct. 29, 2021) (ECF No. 39).

Moreover, pursuant to stipulated motions, this Court recently stayed eight additional related cases. *See Donovan v. T-Mobile USA, Inc.*, No. 2:21-cv-01138-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 13); *Akins v. T-Mobile USA, Inc.*, No. 2:21-cv-01179-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 11); *Hughes v. T-Mobile USA, Inc.*, No. 2:21-cv-01139-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 15); *Villalon v. T-Mobile USA, Inc.*, No. 2:21-cv-1148-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 13); *Espanoza v. T-Mobile USA, Inc.*, No. 2:21-cv-1119-BJR (W.D. Wash. Sept. 20, 2021) (ECF No. 30); *Huerta v. T-Mobile USA, Inc.*, No. 2:21-cv-01183-BJR (W.D. Wash. Sept. 29, 2021) (ECF No. 10); *Brackman v. T-Mobile USA, Inc.*, No. 2:21-cv-01277-BJR (W.D. Wash. Oct. 6, 2021) (ECF No. 13); *Schupler v. T-Mobile USA, Inc.*, No. 2:21-01161-BJR (W.D. Wash. Nov. 1, 2021) (ECF No. 9). Nine other courts have also granted similar stays. *See Avrech v. T-Mobile USA, Inc.*, No. 4:21-cv-6660 (N.D. Cal. Oct. 1, 2021) (ECF No. 27); *Savick v. T-Mobile USA, Inc.*, No. 3:21-cv-16005 (D.N.J. Oct. 4, 2021) (ECF No. 12); *Hill v. T-Mobile USA, Inc.*, No. 2:21-cv-4164 (W.D. Mo. Oct. 5, 2021) (ECF No. 14); *Sadrgilany v. T-Mobile USA, Inc.*, No. 3:21-cv-16155 (D.N.J. Oct. 7, 2021) (ECF No. 11); *Christie v. T-Mobile USA, Inc.*, No. 3:21-cv-16181 (D.N.J. Oct. 7, 2021) (ECF No. 10); *Palomino v. T-Mobile USA, Inc.*, No. 3:21-cv-16536 (D.N.J. Oct. 8, 2021) (ECF No. 12); *Peralta v. T-Mobile USA, Inc.*, No. 5:21-cv-838 (W.D. Okla. Oct. 8, 2021) (ECF No. 10); *Feinberg v. T-Mobile USA, Inc.*, No. 2:21-cv-7531 (C.D. Cal. Oct. 12, 2021) (ECF No. 16); *Lang v. T-Mobile USA, Inc.*, No. No. 5:21-cv-6879 (N.D. Cal. Oct. 14, 2021) (ECF No. 16); *Lomax v. T-Mobile USA, Inc.*, No. 2:21-cv-1764 (D. Nev. Oct. 15, 2021) (ECF No. 14); *Winkler v. T-Mobile USA, Inc.*, No. 7:21-cv-322 (S.D. Tex. Oct. 18, 2021) (ECF

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No. 8); *Metzger v. T-Mobile USA, Inc.*, No. 2:21-cv-4721 (E.D.N.Y. Oct. 21, 2021) (docket order); *Bensen v. T-Mobile USA, Inc.*, No. 6:21-cv-06628 (W.D.N.Y. Oct. 28, 2021) (ECF No. 6).

As in *Daruwalla* and the above-referenced cases, good cause exists for a stay in this matter. Given the number of similar, overlapping cases and the fact that no party opposes centralization, it is likely the JPML will grant the pending motion to transfer and coordinate or consolidate the related cases for pretrial proceedings under 28 U.S.C. § 1407. *See In re: T-Mobile*, MDL No. 3019 (ECF No. 1). This case was noticed to the JPML because of its related nature. *See id.* (ECF No. 48). In order to conserve judicial resources and the resources of the Parties in addressing multiple, related putative class actions, the Parties agree to this stay. Under these circumstances, “[c]ourts frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.” *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998); *see Short v. Hyundai Motor Am. Inc.*, No. C19-0318JLR, 2019 WL 3067251 (W.D. Wash. July 12, 2019) (granting stay pending JPML’s ruling on Section 1407 motion); *Gonzalez v. Merck & Co.*, No. 07-cv-3034, 2007 WL 2220286, at *2 (E.D. Wash. Aug. 2, 2007) (granting defendant’s motion to stay pending transfer decision and noting that “well settled case law . . . dictates a stay should be granted to promote judicial economy”); *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997) (granting stay pending JPML’s ruling because “a majority of courts have concluded that it is often appropriate to stay preliminary pretrial proceedings while a motion to transfer and consolidate is pending with the MDL Panel”); *Bonefant v. R.J. Reynolds Tobacco Co.*, No. 07-cv-60301, 2007 WL 2409980, at *1 (S.D. Fla. July 31, 2007) (“[I]t is common practice for courts to stay an action pending a transfer decision by the JPML.”).

Consistent with the rulings of this Court and many others, the Court should grant the Parties a short stay of proceedings until the JPML rules on the MDL Petition. The Parties agree to notify

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the Court of the JPML ruling on the MDL Petition and a briefing schedule on T-Mobile USA Inc.'s motion to compel arbitration within 7 days of the decision in the event that this case is not transferred.

Dated: November 4, 2021

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ORDER

Having reviewed the stipulated motion of the parties, the Court ORDERS as follows:

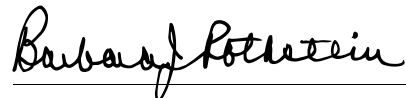
(1) The Court GRANTS the parties' stipulated motion to stay proceedings (Dkt. No. 31).

This matter is STAYED pending a ruling by the Judicial Panel on Multidistrict Litigation (JPML) on the pending motion to transfer in *In re: T-Mobile Customer Data Sec. Breach Litig.*, MDL No. 3019.

(2) Defendant's pending motion in this matter to stay proceedings pending action by the JPML (Dkt. No. 26) is WITHDRAWN and shall be STRICKEN from the Court's motions calendar.

(3) Briefing on Defendant's motion to compel arbitration (Dkt. No. 28) is STAYED in light of this Order staying this action. In the event that this case is not transferred to another judicial district by the JPML, the parties shall notify the Court of the JPML ruling on the pending motion to transfer and propose a new briefing schedule on Defendant's motion to compel arbitration within 7 days of the JPML's decision.

Dated this 5th day of November, 2021.



Barbara Jacobs Rothstein
U.S. District Court Judge